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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
SEPTEMBER 21, 2011
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

ABSENT

Robert Wolfe, Mayor
Bob Grenier, Vice Mayor
Sandy Gamble, Councilmember
Lori Pfister, Councilmember
Kirby Smith, Councilmember

STAFF PRESENT

John Drury, City Administrator
Lori Houghton, Finance Director
Robert Q. Williams, City Attorney
Nancy Barnett, City Clerk
Chief Stoney Lubins, Police Department
Chief Richard Keith, Fire Department
Chris Thompson, Public Works Director
Joyce Ross, Communications Director
Bill Neron, Economic Development Director
Tammey Rogers, Community Services Director
Lori Tucker, Human Resources Director

I. CALL TO ORDER

Mayor Wolfe called the meeting to order at 4:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Mark Andrews, Bridges, gave the invocation and those present recited the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Mayor Wolfe noted that the Public Hearing on the Millage and Budget would be held at 5:05 pm. He asked if staff or Council had changes to the agenda.

MOTION

Kirby Smith moved to approve the agenda with the Public Hearings on Millage and Budget to be heard at 5:05 as noted by the Mayor, seconded by Sandy Gamble. The motion carried unanimously 5-0.

1
2 **IV. APPROVAL OF MINUTES**

3
4 The minutes of September 7, 2011 were deferred until the next meeting

5
6 **V. PROCLAMATIONS/PRESENTATIONS**

7
8 None.

9
10 **VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS**

11
12 Attorney Williams noted there was one quasi-judicial item on the agenda which is the adoption
13 hearing for the Meade Family Trust property. He asked Council if they wished to report on any ex-
14 parte contacts.

15
16 **VII. READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

17
18 Ms. Barnett read the following ordinances by title only:

19
20 **ORDINANCE 2011-12**

21
22 **AN ORDINANCE AMENDING SECTION 17-57 OF THE CITY OF TAVARES**
23 **LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR COLLECTION OF**
24 **LATE FEES FOR RECLAIMED WATER; PROVIDING A LIEN FOR UNPAID**
25 **WATER, WASTEWATER, RECLAIMED WATER CHARGES; AND PROVIDING**
26 **AN EFFECTIVE DATE.**

27
28 **ORDINANCE 2011-06**

29
30 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE**
31 **TAVARES COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT BY**
32 **ADOPTING A LAKESIDE MIXED USE FUTURE LAND USE CATEGORY**
33 **INCLUDING POLICIES ASSOCIATED WITH THIS CATEGORY; AND A**
34 **FUTURE LAND USE MAP AMENDMENT PROVIDING FOR A CHANGE OF**
35 **FUTURE LAND USE DESIGNATION ON APPROXIMATELY 1352 ACRES OF**
36 **PROPERTY FROM COUNTY SUBURBAN AND URBAN EXPANSION TO CITY**
37 **LAKESIDE MIXED USE FOR PROPERTY GENERALLY LOCATED ALONG**
38 **THE SOUTH SHORELINE OF LAKE DORA; PROVIDING FOR SEVERABILITY**
39 **AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR**
40 **AN EFFECTIVE DATE.**

41
42
43 **VIII. CONSENT AGENDA**

44
45 Mayor Wolfe asked if anyone in the audience had objections to the items on the Consent Agenda.

46
47 **MOTION**

1
2 **Bob Grenier moved to approve the Consent Agenda [Tab 2 – Agreement with Lake County**
3 **to Put SCADA Antenna on Lake County Parking Garage; Tab 3 – GASB 54 Implementation**
4 **– Approval of Governing Body; Tab 4) Resolution #2011-20 – Authorization to Seek**
5 **Reimbursement for Pavilion Loan to Water Enterprise Fund; and Tab 5 – Request from**
6 **New Vision to Hold White Safety Day Event at City Hall], seconded by Sandy Gamble. The**
7 **motion carried unanimously 5-0.**

8
9 **IX. PUBLIC HEARING – FISCAL YEAR 2012 MILLAGE & BUDGET – 5:05 PM**

10
11 **Tab 5) Resolution #2011-18 – Tentative Millage Rate Fiscal Year 2011/2012**

12
13 Ms. Barnett read the resolutions in their entirety as follows:

14
15 **RESOLUTION 2011- 18**

16
17 **A RESOLUTION ADOPTING A FINAL MILLAGE RATE OF 6.89**
18 **FOR THE CITY OF TAVARES, FLORIDA, FOR AD VALOREM**
19 **TAXES FOR FISCAL YEAR 2011-2012; SETTING FORTH THE**
20 **PERCENT BY WHICH THE MILLAGE RATE IS LESS THAN THE**
21 **"ROLLED-BACK" RATE.**

22
23 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TAVARES, FLORIDA:**

24
25 **WHEREAS**, the City of Tavares of Lake County, Florida on September 7, 2011, adopted
26 the 2011-2012 Fiscal Year Tentative Millage Rate following a public hearing as required by
27 Florida Statute 200.065.

28
29 **WHEREAS**, the City of Tavares of Lake County, Florida, following due public notice as
30 required by law, held a second public hearing on September 21, 2011, as required by Florida
31 Statute 200.065 on the 2011-2012 Millage Rate; and

32
33 **WHEREAS**, the gross taxable value for operating purposes not exempt from taxation
34 within Lake County has been certified by the County Property Appraiser to the City of Tavares as
35 \$624,303,974.

36
37 **NOW THEREFORE, BE IT RESOLVED** by the City of Tavares of Lake County, Florida,
38 that:

- 39
40 1. The City of Tavares Fiscal Year 2011-2012 operating millage rate to be levied is
41 hereby set at 6.89 mills, which millage rate is less than the rolled back rate of
42 7.6618 by 10.07%.
- 43
44 2. The voted debt service millage is 0.00.
- 45
46 3. This Resolution will take effect immediately upon its adoption.
- 47

1 Mayor Wolfe invited public comment on the budget that has been established at 6.89 mils. There
2 were no comments.

3
4 **MOTION**

5
6 **Bob Grenier moved to approve Resolution #2011-19, final budget for fiscal year 2012 at
7 5:11 pm, seconded by Kirby Smith. The motion carried unanimously 5-0.**

8
9 Mayor Wolfe thanked staff and Council for their work on the budget.

10
11 **XIV. ORDINANCES/RESOLUTIONS**

12
13 **Tab 8) Ordinance #2011-12 – Procedure to Lien Delinquent Utility Accounts – First Reading
14 Only**

15
16 **Tab 9) Ordinance #2011-06 – Comprehensive Plan Amendment – Adoption Hearing for
17 Meade Family Trust Property – 1352 Acres on South Side of Lake Dora – Lakeside Mixed
18 Use**

19
20 Mr. Skutt presented the following staff report:

21
22 *In July, Council recommended approval of the transmittal of Ordinance 2011-06, a proposed text
23 amendment creating the Lakeside Mixed Use Category and an associated Large Scale Future
24 Land Use Map amendment applying the Lakeside Mixed Use Category to the approximately
25 1,300 acre parcel south of Lake Dora.*

26
27 *The ordinance was transmitted to the State Land Planning Agency and other State Review
28 Agencies. Pursuant to State Statute, the agencies have reviewed the ordinance for its potential
29 impacts on important state resources and provided their comment letters which staff has made
30 available for review following this report. The State Planning Agency (DCA) summarized that the
31 amendment does not adversely impact important state resources or facilities.*

32
33 *Based on comments received by all State agencies, the applicant has elected to make minor
34 amendments to the proposed ordinance. The ordinance now outlines the limits of development
35 within natural open space sub areas and requires the submission of a traffic study at the time of
36 any rezoning of any portion of the property.*

37
38 *At the time of development, the City shall contact the Florida Department of State, Division of
39 Historical Resource, Bureau of Historic Preservation, if and when construction activities reveal
40 suspected historical or pre-historical archaeological sites may be affected. When suspected
41 findings occur, construction activity in the immediate vicinity of the finding (no less than a 10 foot
42 radius) shall be halted until the above referenced agencies have determined the required
43 mitigative action.*

44
45 Mr. Skutt noted there is a 30 day appeal period where affected persons may challenge the
46 amendment according to the new state laws through the State Division of Administrative

1 Hearings. If no challenges are received this amending ordinance becomes effective 31 days after
2 DCA receives the adoption package.

3
4 Mayor Wolfe asked if there were questions. He asked the applicant if he wished to make a
5 statement.

6
7 **Clay Henderson of Law firm Holland & Knight**

8
9 Mr. Henderson stated that on behalf of Northern Trust and the applicant, Ty Maxey, he wished to
10 congratulate the city for adopting the first Comprehensive Plan Amendment under the new law.
11 He said it is the fastest a Comprehensive Plan has ever been considered and approved by the
12 State of Florida. He said that it is the intent of the new law, to create an expedited process for
13 comprehensive plans to be considered. He noted the issues regarding schools, traffic, historic
14 preservation, etc. would be addressed when the applicant has a more specific plan to bring back
15 to the City.

16
17 Mayor Wolfe asked if anyone wished to speak from the audience.

18
19 **MOTION**

20
21 **Sandy Gamble moved to approve Ordinance #2011-06, seconded by Bob Grenier. The**
22 **motion carried unanimously 5-0.**

23
24 **XI, GENERAL GOVERNMENT**

25
26 **Tab 10) Request to Develop Plan to Offer Advanced Life Support Services – Fire**
27 **Department**

28
29 Chief Keith stated this item is a request to ask Council if it wishes staff to develop a plan to
30 upgrade the city's emergency medical service to the advanced level. He presented a power point
31 presentation on the history of emergency medical services in Florida. He noted that Randy Boaz
32 was the first emergency medical services instructor in Miami, who was a relation to Finance
33 Director, Lori Houghton.

34
35 Chief Keith reviewed the steps needed to progress to Advanced Life Support training, the training
36 hours required, and the approximate costs.

37
38 Mr. Drury commented that from a practical standpoint the Fire Department responds to
39 emergencies first and the first three minutes determine the outcome. He said the service will cost
40 money but it also has proven to have a better outcome.

41
42 Councilmember Gamble said he was in support of proceeding to investigate but he said when the
43 information is brought back to Council he would like to see a breakdown of how many firefighters
44 would be going at a particular time so that the city is not short for the current shifts. In addition, he
45 said in terms of the joint effort with Eustis and Mt. Dora, the city is the only one of the three that
46 does not provide this service and in order to do that joint agreement the city will need to be equal.
47

1 Mayor Wolfe said the report should also contain the overtime that will occur during the training
2 period.

3
4 Mayor Wolfe asked for audience comment.

5
6 **MOTION**

7
8 **Sandy Gamble moved to instruct staff to develop a Fire Department Advanced Life**
9 **Support Plan with associated costs and bring back that information to City Council,**
10 **seconded by Bob Grenier. The motion carried unanimously 5-0.**

11
12 **Tab 11) Amendment to Baker Groves – Capital Water Line Utility Agreement**

13
14 Ms. Houghton reported the City entered into a Utility Agreement in 2008 with Baker Groves Inc.
15 for the construction of potable water lines and facilities that would serve the Lake View Center
16 Subdivisions. Baker Groves, Inc. incurred the cost, \$80,000, of construction of the water
17 transmission lines.

18
19 In order to provide a mechanism for Baker Groves to recover the \$80,000, the City agreed to
20 reimburse the Developer for the transmission element of the water impact fees collected (Pioneer
21 Credits) from new water utility customers/connections within Lake View Center who connect to
22 the City water system known as the “Benefited Customers”. No interest accrues on collected
23 amounts, and the agreement states that the City shall only be obligated to reimburse the
24 Developer from the transmission element of the water capital charges actually received from the
25 “Benefitted Customers”. Further the agreement states that the City’s obligation to reimburse the
26 Developer (for the Pioneer Credits) shall terminate 10 years from the date of the agreement. In
27 addition the agreement may not be transferred or assigned.

28
29 During the impact fee waiver program the city has not reimbursed on Pioneer Agreements. The
30 attorney for Baker Groves has requested a mutual agreeable resolution. Ms. Houghton said the
31 City Attorney and staff have reviewed the Pioneer Agreement and the request for modification.
32 She said although the City has no legal obligation to modify the agreement, extending the term of
33 the agreement to a period of time equal to the duration of the Impact Fee Waiver Program would
34 mitigate the impact to Mr. Baker and does not appear to cost the city additional dollars.

35
36 Ms. Houghton said staff has provided three options: 1) to approve a partial request to extend the
37 termination date of the agreement to a term equal to the duration of the impact fee waiver
38 program not including reimbursement of capital charges and authorize the City Attorney to
39 develop an amendment to the agreement; 2) approve a full request that would include the capital
40 charges and 3) to not approve the request. She said staff was recommending the first option, that
41 this request be granted, and that each request from any other pioneer agreement stand on its
42 own merit. Staff believes that this case is directly related to the city’s economic emphasis for the
43 Medical Village.

44
45 Mayor Wolfe asked if the applicant wished to speak.

46

1 Bill Baker of Baker Groves said he had some handouts to distribute to Council. He said he agreed
2 with the city waiving the impact fees but this has a negative impact for his business. He spoke
3 about the history of the capital line, stating it had been installed at the city's request. He noted
4 Osprey Lodge is being constructed but they will not collect any fees for that development.
5

6 Attorney Williams said the city has had a long history with the Bakers and two utility agreements.
7 He reviewed the utility agreement process. He noted there is no obligation for a city to have a
8 pioneer agreement that allows the developer to install a line ahead of when it is needed for
9 development and to recoup some of those costs as the properties come on line.
10

11 Attorney Williams said this line that was put in was a line that ran along Mt. Homer Road. The line
12 was installed at Mr. Hayes' request as a condition of approval. He referred to an email from
13 Attorney Vason that was received. He said initially Mr. Hayes took the position that the line was
14 not a capital line. He said he and Mr. Drury had intervened on behalf of the city when the dispute
15 arose and agreed that because the Bakers understood they would get capital line credit, it was
16 decided to treat this as a capital line. He said when the City did the impact fee waivers he had
17 provided an opinion regarding the pioneer agreements which was that the city only has the
18 obligation to repay from dollars it receives from impact fees. He said he did not think the city owes
19 Mr. Baker anything on Osprey Lodge but that the city might want to attach two more years onto
20 the amendment.
21

22 Mr. Baker stated the city is getting a lot of revenues from the Osprey Lodge for building permits
23 and property taxes and to be fair they needed some way to recoup their costs.
24

25 Councilmember Smith said he agreed with the City Attorney to extend the agreement for two
26 more years, however, he noted the Osprey Lodge would never have been built unless the city
27 had instituted the waiver. He said he believed the Bakers were still getting a good value for their
28 property and the city is assisting in marketing the property.
29

30 Mr. Baker requested the extension be made as long as the impact fee waiver program continues.
31

32 Mayor Wolfe asked if anyone in the audience wished to speak.
33

34 Mr. Baker asked why the 1999 agreement included both the transmission and the capital line.
35 Attorney Williams said there was an impact fee amendment done a few years before. He said he
36 could not recall why it was done differently in 1999. He said the old transmission fee and
37 treatment fees were only \$350 and \$250, a small fraction of the total impact fee which was
38 revised.
39

40 **MOTION**

41
42 **Kirby Smith moved to approve Option 1 to approve partial request from William F. Baker,**
43 **Jr. on behalf of Baker Groves, Inc. to extend the termination date of the City's Utility**
44 **Agreement with Baker Groves, Inc. dated February 6, 2008, to a term equal to the duration**
45 **of the City's Impact Fee Waiver Program, and *not include reimbursement of capital***
46 ***charges* from "Benefited Customers" and authorize the City Attorney to develop an**

1 **agreement with Baker Groves. The motion was seconded by Sandy Gamble. The motion**
2 **carried unanimously 5-0.**

3
4 **XIV. OLD BUSINESS**

5
6 **XV. NEW BUSINESS**

7
8 **XV. AUDIENCE TO BE HEARD**

9
10 None.

11
12 **XVI. REPORTS**

13
14 **Tab 12) City Administrator**

15
16 Mr. Drury stated that he had identified upcoming meetings. He noted the tourist train is coming to
17 town. He said there was an event recently held in Orlando where the city received an innovation
18 of the year award.

19
20 **Economic Development Director**

21
22 Mr. Neron stated he was happy to report that the city has a signed agreement with the Tavares-
23 Eustis Gulf Railroad, LLC to operate a steam engine train in Tavares. He said they will be moving
24 their equipment in and they have been approved the Federal Railroad Administration to operate.
25 The equipment will come from Arkansas by tractor trailer next Wednesday and should be in
26 operation by October 8th.

27
28 **Tab 14) City Council**

29
30 **Councilmember Pfister**

31
32 No report.

33
34 **Councilmember Gamble**

35
36 Councilmember Gamble said on the way back from receiving the award in Orlando he and Chief
37 Keith observed a small fire on the side of the road and stopped to assist.

38
39 **Vice Mayor Grenier**

40
41 Vice Mayor Grenier said he was very excited about the train service and he was pleased with
42 how the city respects its history.

43
44 **Councilmember Smith**

45
46 Councilmember Smith thanked Mr. Neron for all his work on the tourist train. He reminded Vice
47 Mayor Grenier about the train plaque in Winter Garden.

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Mayor Wolfe

No report.

Adjournment

There was no further business and the meeting was adjourned at 5:10 p.m.

Respectfully submitted,

Nancy Barnett, City Clerk